The World Bank
Senegal Cadastre and Land Tenure Improvement Project (P172422)

BASIC INFORMATION

A. Basic Project Data

<table>
<thead>
<tr>
<th>Country</th>
<th>Project ID</th>
<th>Project Name</th>
<th>Parent Project ID (if any)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Senegal</td>
<td>P172422</td>
<td>Senegal Cadastre and Land Tenure Improvement Project</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Region</th>
<th>Estimated Appraisal Date</th>
<th>Estimated Board Date</th>
<th>Practice Area (Lead)</th>
</tr>
</thead>
<tbody>
<tr>
<td>AFRICA WEST</td>
<td>16-Apr-2021</td>
<td>15-Jun-2021</td>
<td>Urban, Resilience and Land</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Financing Instrument</th>
<th>Borrower(s)</th>
<th>Implementing Agency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Investment Project Financing</td>
<td>Ministry of Finances and Budget</td>
<td>PROCASEF Project Implementation Unit - Ministry of Finances and Budget</td>
</tr>
</tbody>
</table>

Proposed Development Objective(s)

The proposed Project Development Objective is to strengthen the Recipient’s capacity for the implementation of its cadastre at a national level; and to increase the number of land rights registered in selected areas.

Components

- Strengthening land institutions and investing in geospatial infrastructure
- Empowering PROCASEF supported municipalities in carrying out systematic land registration operations
- Sustaining long-term policy dialogue, scaling-up training and innovation in the land sector
- Program Coordination, Monitoring, and Knowledge Management
- Contingent Emergency Response Component

PROJECT FINANCING DATA (US$, Millions)

SUMMARY

| Total Project Cost     | 80.00 |
| Total Financing        | 80.00 |
| of which IBRD/IDA      | 80.00 |
| Financing Gap          | 0.00  |
B. Introduction and Context

Country Context

1. Despite high growth, poverty and inequality reduction in Senegal has been disappointing over the last decade. Since 2001 Senegal has experienced several periods of high economic growth—including recently between 2014 and 2019 before the COVID-19 crisis. However, of the results of poverty reduction has been mixed, with high growth and falling poverty rates from 2001 to 2005, and low growth and stagnating poverty rates between 2005 and 2011. Moreover, the share of consumption of the bottom 40 percent of the population contracted during this period.\(^1\) Notwithstanding an average annual growth rate of approximately 6 percent since 2014, poverty declined at only an average 0.4 percentage point reduction per year, meaning that Senegal’s track record falls well short of the top-15 Sub-Saharan African countries which recently reduced poverty rates between 1 and 3.4 percentage points per year.\(^2\) The COVID-19 crisis has further exacerbated the situation and threatens to reverse half of the progress towards poverty reduction over the last decade. According to the IMF, real GDP growth is projected to contract from 5.3 percent in 2019 to negative 0.7 percent in 2020.\(^3\) The poverty headcount is also forecasted to increase to

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\(^1\) Share of consumption remained largely constant during the high growth spell (between 2001 and 2005) and declined thereafter Senegal’s Gini coefficient remained unchanged at approximately 0.4, close to the Sub-Saharan Africa average.

\(^2\) New comparable estimates indicate that poverty in Senegal declined from 41.5 percent in 2011 to 37.8 percent in 2018/9 (EHCVM 2018/19) or an average of 0.4 percentage point per year. Between 2005 and 2015 poverty reduction is several countries in Sub-Saharan Africa exceeded 1 percentage point per year—e.g., Tanzania (-2.6 ppts per year); Rwanda (-1.5 ppts per year) and Ghana (-1.3 ppts per year). Over this same period Senegal only reduced poverty at an annual rate of 0.43 percentage points and only by 0.65 ppts per year between 2011 and 2018. Source: World Bank staff calculations using PovCalNet 2020 harmonized surveys and Macro Poverty Outlook Fall 2019 for the evolution between 2011 and 2018.

\(^3\) This contraction will be accompanied by a rising external current account deficit (8.8 percent of GDP) and a fiscal deficit (6.1 percent of GDP). As a result, public debt is expected to increase from 64.1 percent of GDP in 2019 to 69.3 percent in 2020.
approximately 40 percent in 2020, up from 38 percent in 2019, sliding back towards the 41.5 percent level in 2011.

2. **In addition to economic difficulties, COVID-19 has also contributed to social unrest, requiring an emphasis on inclusive design and high stakeholder engagement.** The restrictions imposed to counter the pandemic led to the further impoverishment of the most vulnerable social groups. Given this social context, there is a critical need to ensure that the Project is inclusively designed and enjoys the commitment and support of the main stakeholders from both the Government and Civil Society Organizations (CSOs).

3. **Economic recovery from the COVID-19 crisis will require a mix of short- measures as well as medium- to long-term structural reforms. One major element of the structural reforms is improved tenure security to support economic development and social inclusion.** According to the Doing Business 2020 report, Senegal is one of the two SSA countries which made most progress in improving their business environment. While this is encouraging, the government will need to deepen the reform agenda to address the remaining key constraints faced by the private sector. In particular, the Investment Climate Assessment ranked the practices of the informal sector as the most severe constraint for formal companies (58 percent), closely followed by access to finance (55 percent), electricity (49 percent), and land (44 percent). A key obstacle to private sector investment is the outdated legal framework on land, disconnected from the reality on the ground and preventing to a large extent the allocation of land rights that are tradable and transferable while also spawning an extensive informal land market, depriving municipalities of essential resources to provide effective land administration services. Many municipalities have reached the limits of available land for habitat and agriculture. Most farmers are granted use rights on National Domain land, representing close to 90 percent of the national territory, which is neither documented nor registered. The lack of secure land rights is a key obstacle to increasing productivity in agriculture and responsible investment by public and private sectors. The government of Senegal raised serious concerns about land speculation and the urgent need to secure land for infrastructure and services, including housing, hospitals, schools, and universities.

4. **In addition to sustainable economic development benefits, securing land rights is critical for mitigating conflict risk and safeguarding social cohesion.** It is estimated that less than 25% of the world population has access to secured land rights. In Senegal as in Sub-Saharan Africa, it is less than 10%. Reforming the land sector is becoming more urgent as the vast majority of land rights are not secured and remain vulnerable to eviction or conflict. Development projects and investments driving economic growth are subject to numerous risks, including population displacement and loss of access and rights to land, natural resources, and housing, which may in turn threaten the food security and livelihood base of the most vulnerable sections of society and lead to social unrest. Degradation and competition between farmers and herders over scarce resources are aggravated by climate and disaster risks and population growth. They are among the main sources of insecurity and deadly conflict in West Africa.4 In October 2019, President Macky

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4 This has contributed to insecurity culminating in massacres in Mali and in Burkina Faso during the two last years. Populations at the border have experienced violent conflict related to grazing rights in the past, in the Mauritania-Senegal Border War during
Sall pointed out that 90% of the risks of conflicts in Senegal relate to land. In his vision, the country’s economic potential is deeply connected with granting secure land tenure, constituting at the same time the key factor for national stability and social cohesion. Limited livelihoods opportunities and lack of transparency and politicization of land allocation are the first two issues emerging from the Senegal Conflict Vulnerability Assessment report 2017. The outbreak of COVID-19 further heightens Senegal’s vulnerability to shocks, raising fears of a looming food crisis.

5. Senegal’s national development strategy recognizes these challenges and that economic recovery and poverty reduction crucially depend on reforming the land sector. Before COVID-19, acceleration of economic growth built on activities claiming large surfaces of land and this trend can be expected to continue as Senegal plans its COVID recovery. Thanks to investments in the land sector, the primary sector had expanded by 7.8 percent in 2018, mainly due to agriculture. Tenure security is critical for Senegal to ensure its food security: currently, Senegal’s production covers less than 30% of its consumption and without significant course correction, the situation will only worsen as Senegal’s population is expected to double by 2040. Additionally, assuring inclusive growth and transforming agriculture as a driver for poverty reduction requires securing land rights of small-scale and family farmers, pastoralists, and agro-entrepreneurs. Senegal's national development strategy (Plan Senegal Emergent 2) emphasizes that access to tenure is fundamental to the country’s structural economic transformation, strategic objectives related to agriculture and social policies and stipulates related reforms, aiming at the establishment of an integrated national cadastre. The PROCASEF Project has been designed to support the structural transformation of Senegal’s land sector and facilitate COVID-19 recovery and long-term economic development and social stability.

Sectoral and Institutional Context

1. There are three main bottlenecks that prevent the optimal functioning of the land sector in Senegal: (1) an obsolete legal framework for the land sector; (2) inadequate mechanisms and capacity to manage land tenure in approximately 80 percent of the country; (3) lack of reliable land information as national and municipal systems differ. Together, these issues have caused structural issues that affect Senegal’s ability to tap into its economic potential and support social cohesion among the various groups.

2. An obsolete legal framework for the land sector: Innovative at the time, the 1964 land law sought to maintain community-based land management and introduced three categories of land: the private domain of individuals or entities under registered title documents, public and private State land, and the National Domain. The National Domain category, which is a focus on the PROCASEF, covers all unregistered land in the country, the vast majority of land in Senegal. At its inception,

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1989-1991, which resulted in thousands of refugees from both sides.
5 31st Congress of Notaries of Africa in Dakar.
7 Ninety-five percent of Senegal’s farms are smallholdings, with farm size ranging from 1.5 to 5 hectares. https://www.land-links.org/country-profile/senegal/
the 1964 law abrogated in theory customary tenure rights and promoted a community-based land tenure system. Today, however, Senegal has changed significantly and is governed by co-existing and overlapping land regulation systems, allocating a range of different rights, including formal land property, use and occupancy rights and socially agreed, customary and informal land tenure rights. The legal framework governing the National Domain has evolved little over half a century, but tenure practices have undergone deep transformation. Customary systems continue to manage land tenure in some rural areas, while land tenure rights in urban and peri-urban areas have become highly individualized. The land governance regime contained in the legal framework does not respond to the growing demand among Senegalese citizens keen to formalize their land rights as evidenced by the World Bank-financed PDIDAS Project wherein over 20,000 registration applications were received from 9 municipalities in less than 18 months. However, under the 1964 land law regime, tenure rights under the National Domain constitute land use rights, which are, in theory, neither transferable nor tradable, creating a major bottleneck for the land tenure system at both the small- and large-scale levels, both of which will be important for Senegal’s recovery from the COVID-19 economic crisis. However, land transactions go on with ‘informal’ agreements and most Senegalese are, therefore, forced into a situation of ‘illegality’ when they inherit, rent or sell their land. Land transactions have become common practice in the western part of the country, given the growing interest in buying and investing in land by local, political, and businesses elites. This has contributed to the development of an undocumented land market and a climate of social tension, frequently escalating into conflict and politicization of land tenure. While it will be an important step for Senegal to reconsider its legal framework, the PROCASEF Project has designed its operations to improve security of tenure within the existing legal framework.

3. **Due to outdated legal frameworks and costly administrative procedures, property titles are inaccessible to the majority of society.** Even in urban areas where the legal framework was subsequently allowed to change through the 2011 law ownership of land, heavy administrative procedures remain, meaning that very few urban property titles were issued (around 150,000 as of 2014). The situation is even worse in rural areas where the long and costly procedures are both unaffordable and rarely put into practice and the titling practice does not consider the complex nature of customary land tenure. As a result, a vast majority of Senegalese citizens have informal documents or no documents at all to secure and prove their right to land.10

4. **National land administration services face substantive technical and financial gaps to address tenure insecurity.** The institution in charge of the national cadastre, the Direction Générale des Impôts et des Domaines (DGID), including at central level and decentralized offices, is responsible

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8 Theoretically land registration requires at least six procedures, an average of 124 days, and requires payment of fees amounting to 21% of the property value. Few landholders in rural or urban areas have registered their landholdings. USAID, 2010. Senegal country profile. The PDIDAS project experience shows that a lease procedure requires 31 steps including three back and forth exchanges between Saint Louis and Dakar and a presidential decree. The procedure involves at least eight different administrative units.

9 Anyone who wishes to get a land title or a lease on the National Domain must request: (i) the registration of the land in the name of the State, and then (ii) proceed with a transfer of ownership (land title) or a dismemberment of ownership (emphyteutic lease, surface right).

for a limited number of property titles and related land transactions. Information is partially recorded in a central land information management system (Système de Gestion Foncière; SGF), which will be supported by the German cooperation (KfW). The SGF is neither fully implemented nor is it connected to municipal land administration and even the proper attribution of NICAD requires further technical investments. The 1964 law entrusts to the rural communities, dubbed “municipalities” since the 2013 Decentralization Act, the management of the rural land (“terroirs”) included within the National Domain. The enforcement of laws, however, has been sporadic and with limited success, largely because municipalities were not equipped with the human capacities and the financial and technical resources to perform their land management functions. Due to its nature, National Domain boundaries are neither clearly accounted for nor documented. Without effective training, tools and equipment, and in the absence of the definition of precise municipal boundaries, local authorities are allocating land parcels without appropriate land governance and are unable to perform any kind of land use planning. As a result, land tenure rights are rarely registered, often overlap and conflict with neighbors. If documented, they are subject to vague surface and boundaries estimations, mostly without geo-referencing. This often leads to arbitrary decisions of rural councils on allocating land-use rights. Transactions on land use rights are not legal and, therefore, rarely, if ever, recorded and municipalities do not have a land information system. The lack of reliably documented tenure rights creates confusion, often involving contestations and triggering conflict over competing claims. The large-scale attribution of land as organized by the national government for development projects exacerbates tensions, in particular in cases where tenure rights-holders are not adequately consulted and compensated. Such decision and the undocumented land market go beyond municipalities’ control and leaves them without agency over their respective territories.

5. **Lack of reliable land information as national and municipal systems differ**: As noted in the previous paragraph, the national and municipal ‘systems’ are entirely paper-based and their quality varies across Senegal. The lack of reliable land information generates risk of differences in what the systems record on a limited basis at the national and municipal levels. This gap is partly related to the issue of different mandates and low capacity in the land administration institutions at the national and local levels. For example, DGID is in charge of the issuance of property titles in urban areas whereas municipalities are in charge of the issuance of occupancy titles on land within the Domaine National. Furthermore, the DGID has limited technical and human capacities to manage massive requests of formalizing land tenure rights, and still lacks innovative approaches for integrating the diversity of tenure rights in a national cadastre. Requests for land titles are so far only processed by the Commission de Contrôle des Opérations Domaniales (CCOD) based in Dakar. In addition, all registration records must be the subject of one decree signed by the president of the Republic. However, another major impediment is the lack of integrated land information systems (national level SGF with municipal level land information systems (SIFs)) as well as the absence of up-to-date digitized land information, which could be put in the SGF and SIFs in order to support the proper functioning of land administration and, by extension, other activities that depend on reliable land information, such as land use planning, decision making by

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11 In total, 255 people are employed by the cadastre department, including 117 in the 22 regional offices.
6. **Well aware of the three bottlenecks mentioned above (obsolete legal framework for the land sector; inadequate mechanisms and capacity to manage land tenure; lack of reliable land information), the Senegalese Government has been trying to reform its land policy for the last two decades.** However, it has not yet achieved the desired results at a large scale. Various attempts at land reform in the past two decades reflected in multiple successive national land commissions established since 1996 have not yet borne fruit.\(^{12}\) The main barriers concern the legal nature of new land tenure rights, whether and under which conditions they would be transferable, and the level of control of their management between central and local governments. There is wide recognition on the need to recognize legitimate existing tenure rights, including the inheritance of land. There is also consensus on the need for appropriate regulation to address elite favoritism, tacit approval of land sales and leases by local authorities, and corrupt tactics. As a result, stakeholders across relevant ministries (Finance, Economy, Local Government, Agriculture), municipalities, and the private sector agree on the need for an integrated approach to developing a cadastre, securing property rights and recognizing the diversity of tenure use rights. Mayors have tried to implement local land information systems with the limited resources at their disposal. However, these systems have largely not materialized and even if they did, they would not be interoperable with other national and other municipal systems, leaving Senegal with an incomplete and fragmented land information.\(^{13}\)

7. **In addition to the objectives of the Plan Senegal Emergent 2 (PSE 2), the current institutional landscape, multi-stakeholder dialogue on land, and current regulatory provisions provide opportunities for the establishment of an integrated cadastre.**\(^{14}\) The current legal framework provides for integration of occupancy rights into the national cadastre and the mandatory attribution of a cadastre identification number called NICAD to all registered parcels. The national cadastre managed by DGID in collaboration with municipalities will be able to accommodate both use and ownership rights. A Local Government unit (Bureau des Collectivités Locales) recently created within the Ministry of Finance and Budget (MFB) is supposed to help municipalities manage their land and promote their financial autonomy. New opportunities also arise to identify solutions on how to address barriers related to improved land governance. The national multi-stakeholder platform on land governance in Senegal is unique in its convening power, bringing together members from relevant ministries (Agriculture, Finance, Fisheries, Livestock, Environment, Local Government), representatives from civil society organizations (CSOs), research institutions, private sector, local government and farmers’ organizations, and more recently the MFB itself. The dialogue mechanism, created in 2014 and withstanding political changes, is driving

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\(^{12}\) The latest such example is the 2012 Commission Nationale de Réforme Foncière (CNRF), which produced a land policy document following extensive consultations. The commission itself was dissolved and the policy has still not been approved by the President since its submission in April 2017. This latest policy statement attempt aimed at providing legally stronger rights to family farmers, agro-entrepreneurs and resources users on the National Domain, enabling them to access credits and invest sustainably in developing the land, while protecting pastoral and forest areas.

\(^{13}\) Many mayors request to allocate land, based on more precise geo-location, to clarify the status of land rights, and share information on use and property rights between central and local government.

\(^{14}\) In the Senegalese context, cadastre would include the physical (geographical) aspects as well as the corresponding tenure (legal rights) information.

8. **In summary, the PROCASEF is being designed for implementation at an opportune time.** The importance of supporting Senegal’s land administration sector is well- and widely recognized. There is consensus around supporting the recognition of use and occupancy rights alongside supporting a digital transformation and developing short- and long-term capacity of the land administration sector. As a result, the Project enjoys a great deal of support from a myriad of stakeholders at the national and local government levels as well as the civil society. The Project has also been well aligned with donor activities to maximize its benefits and minimize any chance of duplication of efforts.

**C. Proposed Development Objective(s)**

**Development Objective(s) (From PAD)**
The proposed Project Development Objective is to strengthen the Recipient’s capacity for the implementation of its cadastre at a national level; and to increase the number of land rights registered in selected areas.

**Key Results**

9. The PDO indicators are:
   i. Average time for the delivery of land tenure related services;
   ii. Degree of satisfaction of beneficiaries with respect to land tenure services in targeted areas (gender-disaggregated);
   iii. Number of occupancy titles with NICAD recorded in municipal LIS with Project support;
   iv. Number of household members whose land rights are officially validated by an occupancy title (gender disaggregated).

**D. Project Description**

10. The project components are: (1) Strengthening land institutions and investing in geospatial infrastructure; (2) Empowering PROCASEF supported municipalities in carrying out systematic land registration operations; (3) Training and land tenure governance innovation; (4) Program coordination, monitoring, and knowledge management; and (5) a zero-dollar CERC component for emergency response (if needed).

11. **Component 1: Strengthening land institutions and investing in geospatial infrastructure (US$ 34.03 million).** The objective of Component 1 is to improve the land administration service delivery by improving the efficiency of the involved land institutions and facilitating the digital transformation of land administration in Senegal. This objective will be achieved by making capital investments in the digital systems and geospatial
infrastructure needed for land administration functions and services and by strengthening the capacity of actors and stakeholders in the land service delivery value chain. The activities in this component will also support resilient recovery in the case of climate disasters by i) enhancing quality of data available for the monitoring of properties impacted; ii) strengthening government institutions and facilitating access to cadastral data for disaster response and reconstruction, including support to land valuation and land use planning; and iii) improving the relocation processes.

12. **Component 2: Empowering PROCASEF supported municipalities in carrying out systematic land registration operations (US$ 29.15 million).** The objectives of Component 2 are (i) to provide the municipalities and the administrations concerned with georeferenced information on the various statuses and land boundaries; (ii) to formalize individual or collective use rights, as they exist; (iii) to contribute to the establishment of an innovative national cadastre that considers individual and collective land use rights; (iv) to improve land governance in the selected municipalities.

13. **Component 3: Sustaining long-term policy dialogue, scaling-up training and innovation in the land sector (US$ 10.9 million).** The objective of Component 3 is to support capacity building and foster innovation in the Senegalese land administration sector, including research and policy dialogue to prepare for the modernization and expansion of the land administration services at central and decentralized levels (ministries, CSF, municipalities). This will be achieved through: (i) strengthening the national VGGT multi-stakeholder platform driving policy dialogue since 2014, knowledge creation guided by international standards and best practices, in particular through support to the establishment of an independent land observatory (Observatoire National du Foncier; ONF); and (ii) vocational training at municipalities, long-term capacity building at universities to build a qualified workforce. The National Institute of Statistics and Demography (ANSD) and the ONF could support data collection to prepare the ex-post analysis.

14. **Component 4 – Program Coordination, Monitoring, and Knowledge Management (US$ 5.92 million).** This component will finance PROCASEF’s investment and recurrent costs for the management of the IDA finance, including (i) all aspects of project preparation, management and audit, including fiduciary management, procurement, and monitoring and the development of safeguards instruments; (ii) communication, and coordination across project partners; and (iii) monitoring and evaluation (M&E) for PROCASEF activities. Specifically, the following activities are included: (i) operating costs for the project, including preparatory studies, field supervision, transport and information technology (IT) support; (ii) financial management, including external audits and accounting; (iii) safeguards compliance, including the completion of the ESF related safeguard tools and follow-up actions; (iv) communications and knowledge management, including technical workshops, national and international study tours to learn from relevant experiences; and (v) M&E, including the baseline survey, recurrent data collection, midterm review, and final evaluation, as described in Implementation Arrangements Annex. Building on the results of the safeguard studies, this sub-component will support the development of a communications strategy to guide awareness-raising campaigns implemented by private service providers as part of the land registration activities on the field. As PROCASEF is a new project that is still in the process of defining its procedural and implementation manuals and hiring its staff, early support from IDA to PROCASEF will ensure its systems are fully aligned with the World Bank’s policies and requirements and that staff with prior experience with World Bank procedures can be recruited as appropriate.

15. **Component 5 - Contingent Emergency Response Component (CERC) (US$0.0 million).** A contingency emergency response component (CERC), initially without a budget allocation, will allow for the rapid
The overall project is intended to generate positive environmental benefit. The social risk will remain at the level of the land delimitation.

**E. Implementation**

**Institutional and Implementation Arrangements**

16. **The PROCASEF project will have MFB as the line ministry and the Secretary General’s office within the MFB as the implementing agency.** Given the multi-sectoral scope and nature of land activities, various other ministries, government agencies at the local, regional and national levels, mayors, NGOs and CSOs, private sector and notaries and surveyors corporate organizations will also be involved in implementation. This will require the strong coordination of activities and consultations among all the implementers at various levels and will be the responsibility of MFB.

17. **The project’s coordination and management structure will be based on three main bodies:** the Project Steering Committee (PSC) (*Comité de Pilotage*), the Project Implementation Unit (PIU) at the central level (**Unité de Coordination et de Formulation – UCF PROCASEF**) and five Regional Implementation Units (RIUs).

- **The Project Steering Committee** was established by decree in January 2020 and it will provide strategic oversight to the project. The Committee will be chaired by the SG of the MFB or his representative, and include representatives of the Ministries of Local Governments and Land Use Planning, of Interior, of Agriculture and Rural Equipment, of Livestock, of Urbanization, of Economy and Planning, of Environment and Sustainable Development; of the Senegal Mayors Association (AMS), APIX, Voluntary Guidelines Implementation Steering Committee (CoPil), NGOs and CSOs platform, the private sector organizations, notaries and surveyors organizations.

- **The Project Implementation Unit** (PROCASEF PIU) will be based within the MFB and it will manage the Project’s day-to-day activities, including developing and maintaining the procurement plan, procuring goods and services, ensuring timely disbursements, managing the project account, financial reporting, and M&E. The PIU will also support national land policy dialogue in...
coordination with the newly established Land Observatory, by supporting the Government’s land agenda with analytical skills and prospective evaluation capacities, conduct analytical work on the land sector, and on this basis arrange national debates on land policies aiming at decisions to update the land legal framework.

- The **Regional Implementation Units** (RIUs): Five RIUs located in the main cities of the project areas (Thiès, Saint Louis, M’Bour, Ziguinchor, Tambacounda) will support the PIU with regional level implementation.

- A **Project Implementation Manual (PIM)** will be developed by the PIU in a manner acceptable to the Bank. The PIM will contain all the key project implementation information. The PIU will also prepare a Project Implementation Plan (PIP) and a Field Land Operations Manual (FLOM) for day-to-day operational activities.

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